

DOCKET NO: NNH-CV-16-6062169	:	SUPERIOR COURT
PATRICIA HELLIGER	:	J.D. OF NEW HAVEN
V.	:	AT NEW HAVEN
CITY OF NEW HAVEN, NEW HAVEN	:	
POLICE CHIEF DEAN ESSERMAN, ET AL	:	OCTOBER 25, 2016

### **REVISED COMPLAINT**

**PREFACE:** The following Complaint is brought pursuant to the provisions of Conn. Gen. Stat. Sec. 46a-83(a)(b), 46a-100, 46a-101, and 46a-102 after the issuance of a Release of Jurisdiction by the Connecticut Commission on Human Rights and Opportunities on February 29, 2016. (See attached Exhibit A.)

### **COUNT ONE:**

1. At all times mentioned herein, the plaintiff Patricia Helliger (hereinafter referred to as "the plaintiff Helliger,") has been employed by the City of New Haven, working in its Police Department for the past twenty (20) years, most recently, as a decorated Officer, and the Department's first female African-American Captain. The plaintiff Helliger self-identifies as such, and is therefore a member of a protected class pursuant to the Connecticut Fair Employment Practices Act, Conn. Gen. Stat. Sec. 46a-60 et. seq.

2. At all times mentioned herein, the defendant City of New Haven, (hereinafter referred to as "the defendant City,") has been a municipal corporation organized and existing under the laws of the State of Connecticut.
3. At all times mentioned herein, the defendant Dean Esserman (hereinafter referred to as "the defendant Esserman,") has been the Chief of New Haven Police Department. He self-identifies as a Caucasian Male.
4. The defendant City violated the provisions of Conn. Gen. Stat. Sec. 46a-60(a)(1) through the actions of the defendant Esserman, by commencing an ongoing pattern continuing campaign of harassment, intimidation, and discrimination against the plaintiff Helliger because of her race and gender, in one or more of the following ways:
  - a. When plaintiff Helliger spoke out about unequal distribution of overtime amongst supervisors, from 2009-2011, she was suspended from receiving overtime on the Police Department's Tele Staff System;
  - b. Plaintiff Helliger received a letter contained within the Supervisors area Patrol Mailbox on October 28, 2010. The anonymous note stated "things are so much better when you're not here." The Internal Affairs Division of the New Haven Police Department conducted an investigation on March 8, 2011 through Captain Blanchard, Captain Kearney, and Detective Harkins. Ultimately, there was no resolution to this matter, nor was written notification of the same given to plaintiff Helliger;
  - c. Plaintiff Helliger was subjected to frequent monitoring on 2/10/13. No other Shift Commander was threatened to be

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written up as plaintiff Helliger was. Plaintiff Helliger was forced to call Supervisors Lieutenant Jeffery Hoffman or Lieutenant Luiz Casanova for their approval concerning staffing issues but on occasion, a return phone call was never made, leaving plaintiff Helliger with no way of knowing how to staff her shift. However without their approval, plaintiff Helliger was threatened with discipline if she did not staff her shift.

- d. Plaintiff Helliger received a one day suspension on February 11, 2012 (later overturned due to Attorney and Union involvement) for a dog shooting incident in which she was accused of "failing to supervise." No other Lieutenant or Shift Commander has ever been disciplined for not showing up to, or failing to supervise a dog shooting, an area in which the Department has no policy or procedure;
- e. Plaintiff Helliger was denied access to the Department's Tele Staff (KRONOS System), which provides critical information concerning the Police Detail and overtime hours, from March, 2012 until February of 2014. This System is supervised by Luiz Casanova, the Assistant Chief of Patrol, Lieutenant Julie Johnson, and Lieutenant Jeff Hoffman, all of whom are answerable to the defendant, Dean Esserman. This denial is the equivalent of discipline, which plaintiff Helliger never received until Dean Esserman became the Chief of the Department in 2012;
- f. The plaintiff Helliger was denied participation in the BHTCD Program or the Building Horizons Through Cultural Diversity Program on June 3, 2011. She was also denied TA Time for attending these presentations.
- g. Plaintiff Helliger was transferred to the Property/Record Room on April 15, 2012 as Officer In Charge (OIC). Other Supervisors were assigned to take home vehicles. Plaintiff Helliger was not assigned a vehicle to take home until April, 2014, two years after being assigned to the Unit. As a result, plaintiff Helliger was forced to use her personal vehicle for two years, while others who were similarly situated were not forced to do so;

- h. Plaintiff Helliger was permanently suspended from the Tele Staff System from March, 2012 to February 13, 2014, due to her outspokenness about the manner in which overtime was being distributed in the Department. As the Officer in Charge of the Records/Property Room, and as the Department's COLLECT TAC Officer, plaintiff Helliger had just as much of a need for access to this System as any other Officer In Charge. Plaintiff Helliger was unable to access employee information in order to make contact. This suspension from the Tele Staff System was never documented. Plaintiff Helliger was never formally notified by the Department as to why she was denied access to this System;
- i. A Facebook posting by Officer James Bottieglierro, regarding a racial epitaph of "Mrs. Butterworth," appeared in February and March of 2012, when plaintiff Helliger was being discussed as a potential candidate for Assistant Chief. Assistant Chief Luiz Casanova notified plaintiff Helliger of the posting, stating that he was provided access to it by "someone." He would not provide plaintiff Helliger with the source of this information, simply saying that "he will take care of it." However, even though the Facebook posting appeared in 2012, it was not addressed by the Department until 2014. Plaintiff Helliger was never given a printed copy of said posting to view until then;
- j. The basement parking assignments were changed by Assistant Chief Casanova in 2013. As a result, plaintiff Helliger's Unit Supervisor Vehicle was parked on the street, even though plaintiff Helliger made frequent requests of the Department to have the three spaces previously devoted in the basement for the Record Unit reinstituted. These requests were ignored by the Department, in particular, by Assistant Chief Casanova, even though other Units have spaces available for the Officer In Charge as well as for the Supervisors of each Unit.
- k. Plaintiff Helliger accidentally discharged her weapon at the Training Academy on June 25, 2014. Although plaintiff Helliger made a formal notification of this to the Fire Arms Instructor, she was told by Academy Director Lieutenant Max Joyner that she

needed to take a "mandatory" Firearms Class. However, the class in fact was not "mandatory." An IA Investigation was opened, and an appointment was made to discipline plaintiff Helliger, but was eventually cancelled. It is to be noted that when the discharge occurred plaintiff Helliger was tired and took herself off the firing line when attempting to clean her weapon. It then accidentally discharged. No one was injured when it happened. A previous accidental discharge occurred involving Training Instructor Officer Jason Salgado where there were injuries. Jason Salgado was never formally disciplined for this incident which occurred on March 8, 2012. (This is the same month that plaintiff Helliger was disciplined for the aforementioned dog shooting incident which resulted in formal discipline, and a suspension);

- l. Plaintiff Helliger spoke out publicly on September 9, 2014 about the fact that two white male Lieutenants were paid by the Department to undergo training as a precursor to the taking of a Captain's Exam. This training was never publicly posted in order to give all Lieutenants the opportunity to undergo such training. Moreover, a white female was allowed to access her Department email during the "Program Development," portion of the examination, in order to view a Policy which she had written, although prior written notification was given by the defendant City of New Haven not to bring any Department General Orders or Policies, etc. to the examination room. Plaintiff Helliger publicly opposed this as well;
- m. Plaintiff Helliger was assaulted by a female in the parking lot of a Walmart location in New Haven, CT on October 2, 2014. Plaintiff Helliger asked for assistance from the Police Department. However, the response from the Department amounted to an IA Investigation, four hours detainment, and no inquiry as to whether plaintiff Helliger was injured as a result of the assault perpetrated upon her. The supervising Sergeant did not take plaintiff Helliger's full Statement until 2.5 hours later after talking to the perpetrators of the assault first, and viewing a video tape. Internal Affairs ordinarily does not show up for

Officers requesting assistance and it does not conduct an investigation in the field regarding such occurrence but in plaintiff Helliger's case it did so. Before an IA Statement was given concerning the incident of October 2, 2014, plaintiff Helliger was not allowed, and indeed, plaintiff Helliger was refused access to all information, evidence, statements, videotapes, and audio transmissions of the incident. This was a violation of plaintiff Helliger's Union Contract, at Article 25, Section 23, General Provisions: Interview.

- n. Plaintiff Helliger informed Assistant Chief Anthony Campbell on October 20, 2014, and her Union, that she felt threatened, and targeted, due to the manner in which she was treated due to this incident, and she feared for her physical safety.
- o. Plaintiff Helliger was ordered by the defendant Esserman to meet with him on October 21, 2014, along with her Union officials and her Supervisor concerning her personal safety. The defendant Esserman was condescending, and openly angry to receive plaintiff Helliger's Memo. The meeting was very confrontational. Defendant Esserman wanted plaintiff Helliger to "call him" at the end of her work day to tell him how plaintiff Helliger could help him keep her safe. defendant Esserman instead called plaintiff Helliger at the end of the day. He asked if plaintiff Helliger would meet with him on the following day, so that plaintiff Helliger could "trust him".
- p. At the said meeting on October 21, 2014 in Assistant Chief Campbell's Office with the defendant Esserman, he wanted to know about plaintiff Helliger's physical safety. Plaintiff Helliger explained that the reaction and the conduct of the Officers responding to the aforementioned Walmart incident was not appropriate and that plaintiff Helliger hoped that the Officers did not respond to the public asking for help like they did for her. The defendant Esserman stated that the Memo did not say that and solely mentioned fear for her personal safety. He asked if plaintiff Helliger would rewrite the Memo as "an attorney." He asked that if plaintiff Helliger did not feel safe, that plaintiff Helliger could call him at any time. Plaintiff Helliger told him if

that happens plaintiff Helliger will call her immediate supervisor (looking at Assistant Chief Campbell), and plaintiff Helliger would also forward a Memo to him as plaintiff Helliger did before.

- q. The plaintiff Helliger was initially granted a request for training, but then she was denied the same by the defendant Esserman.

- 5. That as a result of said harassment, intimidation, and gender/race discrimination, the plaintiff Helliger has been damaged and will continue to be damaged.

### **COUNT TWO:**

- 1-4. Paragraphs 1-4 of Count One are incorporated herein as Paragraphs 1-4 of Count Two.
- 5. On March 25, 2014, the plaintiff Helliger filed a Complaint with the Connecticut Commission on Human Rights and Opportunities against the defendants City and Esserman, which included the allegations set forth in Count One above.
- 6. The defendant City, acting by and through the defendant Esserman, retaliated against the plaintiff Helliger due to the filing of said Complaint, in the violation of the provisions of Conn. Gen. Stat. Sec. 46a-60(a)(4) in one or more of the following ways:
  - a. Plaintiff Helliger filed a Complaint with Assistant Chief Campbell concerning Sergeant Sean Maher. The basis of said Complaint was a violation of Department Rule/Order – 35 – Neglect of Duty.

- b. As a result of the filing of said Complaint, a Memo was generated on July 15, 2015 from Sergeant Rose J. Dell of the Internal Affairs Unit, indicating that after a "thorough investigation of all the facts and circumstances surrounding this case, I have determined that you did not violate any rules, regulations or procedures set forth by this Department and are hereby exonerated of all allegations of neglected duty."
- c. Plaintiff Helliger never received a copy of this Memo even though plaintiff Helliger was the Complainant.
- d. Plaintiff Helliger was required to go to the Internal Affairs Division as part of an alleged "enhanced investigation," when this never occurred with any other Supervisor who was the Complaining Officer.
- e. In spite of the claim that this was "a thorough investigation," Police Sergeant Jacqueline Hoyte, a fellow Police Officer who discovered that money was not secured and deposited, due to Sergeant Sean Maher's alleged neglect of duty, was never spoken to, as the Department's Internal Affairs Division cancelled her appointment twice. Moreover, Darcy Siclari, the Police Officer and Sergeant who trained Sean Maher, was also never informed.
- f. Moreover, to the extent that the said report was generated by Sergeant Rose Dell, it should have been generated by plaintiff Helliger's peer, Lieutenant Rachel Cain, who also is assigned to the Internal Affairs Bureau as the Officer in Charge. Moreover, the exoneration of Sergeant Sean Maher could only have come from the Chief, as he is the only person who can discipline a Police Officer or relieve a Police Officer from discipline.
- g. As a result of the exoneration of Sergeant Sean Maher, plaintiff Helliger's authority was undercut.
- h. One Noemi Peralta filed a Civilian Complaint against plaintiff Helliger, which alleged "rudeness," and plaintiff Helliger's "failure to follow-up in a timely manner/neglect of duty."

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- i. With regard to the handling of a U-Visa, which are not mandatory, have no deadline and are discretionarily issued by Police Departments in situations in which a victim or witness is cooperating with the Police, but is in the process of being deported, the issuance of these U-Visas can re-open the status of the victim/witness allowing them to remain in the Country.
- j. Based upon the consistent efforts of Noemi Peralta both individually, and through her counsel, to secure a U-Visa, the Internal Affairs Bureau, which accepts Civilian complaints, was advised by Assistant Chief Anthony Campbell to "please call me" and refer all U-Visa complaints to him. Instead of following Assistant Chief Campbell's orders to handle Noemi Peralta's matters, Lieutenant Rachael Cain, of the Internal Affairs Bureau, took her Complaint, thereby forcing plaintiff Helliger to defend herself in this forum.
- k. Plaintiff Helliger was therefore forced to defend herself against discipline. Instead, the Chief should have written up Lieutenant Rachael Cain, for her failure to follow his original order to forward Noemi Peralta's matters directly to him.
- l. Plaintiff Helliger was not promoted to Captain until February 19, 2016. Plaintiff Helliger's promotion to Captain was delayed, even though there were two positions available, thereby affecting plaintiff Helliger's Pension.
- m. Plaintiff Helliger was informed that she would not be serving as an instructor at the Police Academy.
- n. At a meeting of the Department's Diversity Advisory Board, which meets to design a curriculum for diversity training, it was mentioned that plaintiff Helliger "had a CHRO Complaint pending," and was "suing the Department." Disclosing this information in this context was absolutely inappropriate and retaliatory in nature.
- o. Plaintiff Helliger was ordered to appear in the Chief's Office of the defendant Esserman where she was told by the that he would not recommend her for a promotion based on a recent incident and delay the recommendation for a later

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date. This represented discipline without just cause and was retaliatory in violation of the provisions of 46a-60(a)(4) for the filing of a Complaint with the Connecticut Commission on Human Rights and Opportunities.

- p. The defendant City, acting by and through Assistant Chief Achilles Generoso, specifically refused to allow the plaintiff to work in the Special Victims Unit on 2/12/16, after she became Captain.
- q. The defendant City, acting by and through Assistant Chief Al Vazquez, intentionally regarded her as a Shift Commander, as opposed to the Captain of Shift Commanders.
- r. The defendant City failed to send the plaintiff to Command training subsequent to her promotion to Captain;
- s. The defendant City, acting by and through defendant Esserman and then Assistant Chief Anthony Campbell, cut overtime in all units (Records, Planning, Garage/Fleet, Animal Shelter) that are directly supervised by the plaintiff on May 30, 2016, greatly affecting work production and overwhelming the already overstaffed units. This was done in spite of the fact that at the time the plaintiff took on the responsibility of Deputy of Administration, defendant Esserman told plaintiff that she would be given additional resources in order to undertake those increased responsibilities.
- t. The defendant City, acting by and through then Assistant Chief Anthony Campbell and Assistant Chief Luiz Casanova, failed to separate plaintiff from one Rachel Cain, a Lieutenant, at a 9/14/16 training session. Lieutenant Cain had previously filed an unsubstantiated hostile work environment Complaint against the plaintiff. Plaintiff had requested on 8/19/16 that there be no contact between the plaintiff and Lieutenant Cain until said Complaint was resolved.
- u. The defendant City, acting by and through its Human Resource Director, one Stephen Librandi, failed to investigate said hostile work environment Complaint that had

been filed against plaintiff by said Lieutenant Rachel Cain, which was done without the plaintiff's knowledge, or that of her direct supervisor. The investigation of said hostile work environment Complaint by Stephen Librandi was mandatory, yet the defendant City of New Haven, acting through Mr. Librandi, nonetheless released said unsubstantiated allegations to the public, thereby placing plaintiff in a false light, even though said Complaint had been made nine (9) months earlier;

7. As a result of said retaliation, the plaintiff Helliger has suffered and will continue to suffer damages.

WHEREFORE, the plaintiff Helliger claims judgment against the defendants and each of them as follows:

- a. Compensatory damages, pursuant to Conn. Gen. Stat. Sec. 46a-100 et seq. and common law principles, in an amount this Court shall consider to be just, reasonable and fair;
- b. Attorney fees, pursuant to Conn. Gen. Stat. Sec. 52-251b, and the costs of this action; and
- c. Such other relief as this Court shall consider to be fair and equitable.

HEREOF, fail not, but of this Writ with your doings thereon, make due service and return according to Law.

Dated at East Haven, Connecticut, this 24<sup>th</sup> day of October, 2016.

THE PLAINTIFF,  
PATRICIA HELLIGER

By: 

Patricia A. Cofrancesco  
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**STATEMENT OF AMOUNT IN DEMAND**

The plaintiff claims damages in excess of Fifteen Thousand Dollars (\$15,000.00), exclusive of interest and costs.

THE PLAINTIFF,  
PATRICIA HELLIGER

By:

  
\_\_\_\_\_  
Attorney Patricia A. Cofrancesco

**CERTIFICATON**

I hereby certify that a copy of the above was mailed, postage pre-paid this 25<sup>th</sup> day of October, 2016 to the following:

Attorney Christin Sheehan, Esq.  
Morrison Mahoney LLP  
One Constitution Plaza  
Hartford, CT 06103

  
\_\_\_\_\_  
Attorney Patricia A. Cofrancesco

# EXHIBIT A

**STATE OF CONNECTICUT  
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

Patricia Helliger  
**COMPLAINANT**

CHRO No. 1530442

vs.

EEOC No. 16A201500937

City of New Haven Police Department  
**RESPONDENT**


RELEASE OF JURISDICTION

The Commission on Human Rights and Opportunities hereby releases its jurisdiction over the above-identified complaint. The Complainant is authorized to commence a civil action against the Respondent in the Superior Court for the judicial district in which the discriminatory practice is alleged to have occurred, in which the Respondent transacts business or in which the Complainant resides. If this action involves a state agency or official, it may be brought in the Superior Court for the judicial district of Hartford.

A copy of any civil action must be served on the Commission by email at ROJ@ct.gov or, if you do not have access to email, at 25 Sigourney Street, Hartford, CT 06106 at the same time all other parties are served. **THE COMMISSION MUST BE SERVED BECAUSE IT HAS A RIGHT TO INTERVENE IN ANY ACTION BASED ON A RELEASE OF JURISDICTION.**

The Complainant must bring an action in Superior Court within 90 days of receipt of this release and within two years of the date of filing the complaint with the Commission unless circumstances tolling the statute of limitations are present.

**DATE:** February 29, 2016

  
\_\_\_\_\_  
Tanya A. Hughes, Executive Director

cc: Patricia Cofrancesco – pattycofrancesco@sbcglobal.net  
Alyssa S. Torres – atorres@newhavenct.gov  
Patricia Helliger – via regular mail